

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLIO GARLAND individually and d/b/a
CLIO FILMS,

Plaintiff,

No. 09 Civ. 10025 (LTS)(MHD)

-against-

KERRI ACCARDI and PHILIP ARMAND,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 21 JUL 2010

ORDER

On July 1, 2010, Magistrate Judge Michael H. Dolinger issued a Report and Recommendation (the "Report"), recommending that the Court grant Plaintiff's request, made at a pre-trial conference held that day before Judge Dolinger, that she be permitted to voluntarily discontinue her claims as asserted against defendant Philip Armand. Judge Dolinger further recommended that the dismissal be made with prejudice in light of Plaintiff's representation that she has concluded that she has no viable claim against Mr. Armand. The Court has received no objection to the Report.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Cuadrado v. New York City Dept. of Correction, No. 08 Civ. 3026 (PAC)(THK), 2009 WL 1033268, at *1 (S.D.N.Y. Apr. 16, 2009) (internal quotation marks and citation omitted).

The Court has reviewed thoroughly Judge Dolinger's Report and finds no clear error in his recommendation. Accordingly, the Court adopts Judge Dolinger's Report in its entirety. The Court hereby dismisses the Complaint insofar as it asserts claims against defendant Philip Armand.

SO ORDERED.

Dated: New York, New York
July 21, 2010



LAURA TAYLOR SWAIN
United States District Judge